

# EXHIBIT 1



1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 CIVIL ACTION NO. 4:17-cv-00872-ALM  
5

6 MOBILITY WORKX, LLC,  
7 Plaintiff,  
8 vs.

9 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS,  
10 Defendant.  
11 \_\_\_\_\_/

12  
13 Stearns Weaver Miller  
14 150 West Flagler Street, Suite 2200  
15 Miami, FL 33130  
16 Friday, June 21, 2019  
17 9:40 a.m. - 6:31 p.m.

18 VIDEOTAPED DEPOSITION OF MOBILITY WORKX, LLC  
19 EDWIN HERNANDEZ-MONDRAGON

20 Taken before MARIA E. REEDER, RPR, FPR  
21 and Notary Public for the State of Florida at  
22 Large, pursuant to Notice of Taking Deposition  
23 filed in the above cause.  
24  
25

Job No. 3427294



<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 LAW OFFICES OF MICHAEL MACHAT, P.A.</p> <p>4 8730 West Sunset Boulevard, Suite 250</p> <p>5 West Hollywood, FL 90069--2281</p> <p>6 BY: MICHAEL MACHAT, ESQ.</p> <p>7 michael@machatlaw.com</p> <p>8</p> <p>9 On behalf of Defendant:</p> <p>10 ALSTON &amp; BIRD, LLP</p> <p>11 101 South Tyron Street, Suite 4000</p> <p>12 Charlotte, North Carolina 28280</p> <p>13 BY: ROSS R. BARTON, ESQ.</p> <p>14 ross.barton@alston.com</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Orlando Jimenez, Videographer</p> <p>18 Veritext Legal Solutions</p> <p>19</p> <p>20 REPORTED BY:</p> <p>21 MARIA E. REEDER, RPR, FPR</p> <p>22 Veritext Florida Reporting</p> <p>23 2 South Biscayne Boulevard, Suite 2250</p> <p>24 Miami, FL 33131</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 THE VIDEOGRAPHER: Okay. Good morning. The</p> <p>2 time is 9:40 a.m. We're going on the record on</p> <p>3 Friday, June 21, 2019. This is Media Unit 1 of</p> <p>4 the video deposition of Edwin A.</p> <p>5 Hernandez-Mondragon taken in the matter of</p> <p>6 Mobility Workx, LLC versus Verizon, filed in the</p> <p>7 United States District Court for the Eastern</p> <p>8 Court of Texas, Sherman Division. Case number</p> <p>9 417-CV-00872-ALM.</p> <p>10 This deposition is being held at 150 West</p> <p>11 Flagler Street, Suite 2200, Miami, Florida,</p> <p>12 33130.</p> <p>13 My name is Orlando Jimenez from the firm</p> <p>14 Veritext Legal Solutions. I'm the</p> <p>15 videographer. The court reporter is Maria</p> <p>16 Reeder from the firm Veritext Legal Solutions.</p> <p>17 Would counsel please state their</p> <p>18 appearance and affiliation for the record.</p> <p>19 MR. BARTON: This is Ross Barton from Alston</p> <p>20 &amp; Bird on behalf of the Defendant, Cellco</p> <p>21 Partnership d/b/a Verizon Wireless.</p> <p>22 MR. MACHAT: And this is Michael Machat on</p> <p>23 behalf of Plaintiff, Mobility Workx.</p> <p>24 Thereupon:</p> <p>25 EDWIN HERNANDEZ-MONDRAGON,</p> <p style="text-align: right;">Page 4</p>
<p>1 INDEX</p> <p>2</p> <p>3 Edwin Hernandez-Mondragon Page</p> <p>4 Direct by Mr. Barton 05</p> <p>5</p> <p>6</p> <p>7 EXHIBITS MARKED</p> <p>8</p> <p>9 Plaintiff's For Identification Page</p> <p>10</p> <p>11 Exhibit 1 First Amended Notice for Deposition 07</p> <p>12 For Mobility Workx</p> <p>13 Exhibit 2 First Amended Notice for Deposition 08</p> <p>14 For Edwin A. Hernandez-Mondragon</p> <p>15 Exhibit 3 Exhibit B 62</p> <p>16 Exhibit 4 Mutual General Release 99</p> <p>17 Exhibit 5 Appendix A 110</p> <p>18 Exhibit 6 417 Patent 134</p> <p>19 Exhibit 7 Adaptive Network Protocol 143</p> <p>20 Exhibit 8 330 Patent 146</p> <p>21 Exhibit 9 Drawing 184</p> <p>22 Exhibit 10 Complaint for Patent Infringement 226</p> <p>23 Exhibit 11 Edwin A. Hernandez-Mondragon CV 243</p> <p>24 Exhibit 12 First Request for Admissions to 266</p> <p>25 Defendant</p> <p>26 Exhibit 13 First Set of Request for Admissions 267</p> <p>27 Number 46 and Beyond to Plaintiff</p> <p>28 Exhibit 14 First Set of Interrogatories to 268</p> <p>29 Defendant</p> <p>30</p> <p style="text-align: right;">Page 3</p>	<p>1 A witness named in the notice heretofore filed,</p> <p>2 being of lawful age and having been first duly</p> <p>3 sworn, testified on his oath as follows:</p> <p>4 THE WITNESS: I do.</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. BARTON:</p> <p>7 Q Good morning, Dr. Hernandez.</p> <p>8 A Good morning.</p> <p>9 Q State your full name and address for the</p> <p>10 record, please.</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q And I know sometimes, I think, your last</p> <p>15 name is hyphenated with Hernandez-Mondragon and</p> <p>16 sometimes it's just Hernandez.</p> <p>17 Can you maybe just explain that to me?</p> <p>18 A In Latin America we usually have both names</p> <p>19 from your parents.</p> <p>20 Q Okay.</p> <p>21 A The last name from your mom is the second.</p> <p>22 The last name from your father is the first.</p> <p>23 Sometimes they swap that, but that's how I was named.</p> <p>24 Q Okay. Are you okay if I just refer to you</p> <p>25 as Dr. Hernandez?</p> <p style="text-align: right;">Page 5</p>

2 (Pages 2 - 5)

<p>1 identifies Rick Sanchez, for example, to have some 2 shares in a company called Marathon IP, where Marathon 3 IP has a -- 4 Q Martin IP? 5 A Marathon. 6 Q Marathon IP. 7 A Yeah. 8 Q Okay. 9 A And some other things that you probably see 10 in the production, that it was sent to the FBI. And 11 it's a total package. 12 As this was being delivered to them, then 13 I asked friends to just, like, look, this is what I 14 did. I'm afraid. I'm scared because I've never 15 done anything like that. This is something on the 16 criminal side, not on the civil side. 17 So I had to tell some people to be witness 18 of that situation, and that's what happened. That's 19 why I was a little hesitant to disclose the full 20 spectrum because I'm not -- I don't know if this is 21 an investigation that is ongoing or what's going on. 22 I have no idea. 23 Q What communications did you provide to the 24 FBI? 25 A I think it were, especially the Dallas when</p> <p>Page 294</p>	<p>1 basically were with Mr. Eric Spamburger, I don't know 2 how to pronounce his name, from -- back in the days 3 when they had IP Nav, so they were all involved in IP 4 Nav. 5 Q And what leads you to believe that in 2018 6 there was an ongoing criminal conspiracy? 7 A Their behavior. 8 Q And what about Alston &amp; Bird's behavior led 9 you to that conclusion, that there was an ongoing 10 criminal conspiracy in 2018? 11 A We have a witness that when we were in 12 discussion with our attorneys, in Cab's office, in 13 Austin, Texas, we had a discussion. 14 The content of that discussion were 15 private. Somebody called from Nokia, one of your 16 ex-attorneys from Nokia actually, and he knew the 17 contents of discussion without us revealing 18 anything. And then we were, like, how did he know 19 that if we just talk about it now. 20 Q Contents of what discussion? 21 A I don't recall the details. It's in the -- 22 it's probably recollected in my fact, but it was a 23 discussion about the patents and the whole -- because 24 you have Nokia there on your side, right, and then 25 Nokia has one of your attorneys? What's his name? I</p> <p>Page 296</p>
<p>1 the -- when we had instructed counsel not to do 2 certain things and they did. When we instructed 3 counsel to -- to proceed in a way and they didn't, so 4 we attached -- I attached all those dialogues as 5 exhibits to the letter to the FBI. 6 Q That's the e-mail correspondence that you 7 had with Whitaker Chalk and Cab Connor? 8 A Yes, sir. 9 Q And those are some of the e-mails that you 10 appended to your opposition to Verizon's emergency 11 motion to dismiss the case? 12 A Yes. 13 Q Okay. So you believe that because Mike 14 Newton and Alston &amp; Bird had previous dealings with 15 David Pridham and Dominion Harbor that there was a 16 criminal conspiracy that involved Alston &amp; Bird and 17 Dominion Harbor? 18 A I believe so. 19 Q Do you still believe that? 20 A Yes. 21 Q What is the factual basis for that? 22 A A case in Minnesota I think it is, or 23 Michigan where Michael Newton basically got involved 24 in some sort of tampering a witness with David Pridham 25 and their CTO, Dominion Harbor's CTO. And they all</p> <p>Page 295</p>	<p>1 can't remember his name. Anyway, so. 2 He was leading us and in a way we think it 3 was done in bad faith from Nokia, right, and 4 you're -- he was an ex-Alston &amp; Bird attorney. 5 That's why we see the connection. 6 And then Cab and everybody there, they 7 knew -- like Michael Newton knew every single move 8 about Mobility Workx before anything. And now we 9 see the difference today with these new attorneys. 10 You guys don't know what's going on. 11 Q So you believed that there was someone in 12 Dominion Harbor or your counsel that was a mole for 13 Alston &amp; Bird and T-Mobile and Nokia? 14 A They were all associated -- you all share in 15 the same background, IP Nav. They're all coming from 16 IP Nav. 17 Q So in your view there's an ongoing criminal 18 conspiracy and espionage? 19 A The way I phrase, and you will see the 20 letter, is that there is a fraud, a fraudulent 21 relationship between Dominion Harbor and the 22 inventors. 23 Dominion Harbor say to the inventors, to a 24 set of people, that they had already arranged, 25 priorly, licensing deals. When they take them to</p> <p>Page 297</p>

<p>1 there, then the inventor goes under the assumption 2 that this guy is an attorney and he's going to do 3 the best for them, when in reality what they are 4 doing is a brokerage agreement where they probably 5 collect the most amount of money. And they 6 fictitiously have these litigations and they are 7 kind of, like, in a way with certain different law 8 firms where they only work with only those law 9 firms, especially Rick Sanchez and Whitaker and 10 Chalk, and especially Cab. They're the same people 11 all the time doing the same type of tasks and they 12 have, unfortunately, a relationship between Michael 13 Newton, your lead counsel, with David for decades. 14 There were in more than 100 cases, or 15 something 90, whatever, with IP Nav. So I think 16 that that is a -- that was never disclosed to 17 Mobility Workx ever.</p> <p>18 Q And so your view is that Dominion Harbor was 19 back-channeling privileged details about the 20 litigation to Alston &amp; Bird?</p> <p>21 A Probably.</p> <p>22 Q Probably.</p> <p>23 Do you believe that or not?</p> <p>24 A I think so.</p> <p>25 Q It's a very serious --</p> <p style="text-align: right;">Page 298</p>	<p>1 contain?</p> <p>2 A It contained information from Sisvel 3 negotiation. You used the Sisvel, I think, actually a 4 few minutes ago, a few hours ago.</p> <p>5 So they used that when we had already had 6 a meeting with Sisvel and the expert knew that, so 7 we pointed that out and said, "Look, the Sisvel 8 factor that you used in there is wrong. You have to 9 remove it because simply it's not -- it didn't 10 occur." And then they refused and they still sent 11 to your firm the expert report.</p> <p>12 Q And because of that you conclude that Alston 13 &amp; Bird is engaged in a criminal conspiracy with your 14 attorneys and Dominion Harbor to conspire against 15 Mobility Workx; is that correct?</p> <p>16 A And they stated the same thing with the 17 technical expert report. They refuse to include the 18 Anritsu report in that expert report.</p> <p>19 Q And so, again, because of that you believe 20 that Alston &amp; Bird was and potentially continues to be 21 engaged in a criminal conspiracy with your attorneys 22 and Dominion Harbor conspiring against Mobility Workx; 23 is that right?</p> <p>24 A Probably. Yes, that's right. I believe 25 that.</p> <p style="text-align: right;">Page 300</p>
<p>1 A Yeah, yeah.</p> <p>2 Q You believe that -- you believe that in your 3 heart of hearts?</p> <p>4 A Yeah, I believe that in my heart. Yes.</p> <p>5 Q You understand that's a very serious 6 allegation.</p> <p>7 A Well, if the FBI investigate. They might 8 have recorded you already for the last nine month.</p> <p>9 Q Do you think that's likely?</p> <p>10 A I don't know what it is. But if they never 11 come back with anything, then, okay, maybe I was 12 wrong.</p> <p>13 Q Okay. Any other facts that lead you to the 14 conclusion that there was an ongoing criminal 15 conspiracy in the T-Mobile case where the parties were 16 conspiring against you?</p> <p>17 A Yes.</p> <p>18 Q What else?</p> <p>19 A The expert report contained false 20 information that we identified.</p> <p>21 Q What expert report?</p> <p>22 A The damages expert report.</p> <p>23 Q Whose damages expert report?</p> <p>24 A Mobility Workx.</p> <p>25 Q Okay. And whose false information did it</p> <p style="text-align: right;">Page 299</p>	<p>1 Q Does Dr. Helal share your view?</p> <p>2 A Yes.</p> <p>3 Q Did you share this opinion with him?</p> <p>4 A I share everything with him.</p> <p>5 Q And he concurs wholeheartedly?</p> <p>6 A Yes.</p> <p>7 Q That is Mobility Workx' official position; 8 is that fair?</p> <p>9 A That's fair.</p> <p>10 Q Okay. Let's turn to the substance of this 11 case. Go ahead and turn back to Plaintiff's responses 12 to Defendant's interrogatories, that is Exhibit Number 13 14.</p> <p>14 Do you see here, and this is where we left 15 off before the break, Interrogatory Number 11 is 16 seeking information about objective indicia of 17 non-obviousness, right?</p> <p>18 A Yes.</p> <p>19 Q Do you know what "objective indicia of 20 non-obviousness" means?</p> <p>21 A If you can maybe just to confirm, right.</p> <p>22 Q Objective facts that would tend to support a 23 conclusion that a patent was not obvious. Does that 24 make sense?</p> <p>25 A Okay.</p> <p style="text-align: right;">Page 301</p>

Job No. 3427294

<p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3</p> <p>4 STATE OF FLORIDA )</p> <p>5 COUNTY OF MIAMI-DADE )</p> <p>6</p> <p>7 I, the undersigned authority, certify that</p> <p>8 EDWIN A. HERNANDEZ-MONDRAGON, personally</p> <p>9 appeared before me and was duly sworn.</p> <p>10 WITNESS my hand and official seal this 27th day</p> <p>11 of June 2019.</p> <p>12</p> <p>13</p> <p>14</p> <p>15  MARIA E. REEDER, RPR, FPR</p> <p>16 Notary Public, State of Florida</p> <p>17 My Commission No. GG 073176</p> <p>18 Expires: 4/10/2021</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 326</p>	<p>1 ERRATA SHEET</p> <p>2 Re: Mobility Workx, LLC vs Celco Partnership d/b/a</p> <p>3 Verizon Wireless</p> <p>4 DEPO OF: Edwin A. Hernandez-Mondragon</p> <p>5 Date of : June 21, 2019</p> <p>6 Case No.: 4:17-cv-00872-ALM</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Signature of Witness</p> <p>23 Dated this _____ day of _____, _____.</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 328</p>
<p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF FLORIDA )</p> <p>4 COUNTY OF MIAMI-DADE )</p> <p>5</p> <p>6 I, MARIA E. REEDER, RPR, FPR, do hereby certify</p> <p>7 that I was authorized to and did</p> <p>8 stenographically report the foregoing</p> <p>9 deposition of EDWIN A HERNANDEZ-MONDRAGON; that</p> <p>10 a review of the transcript was requested; and</p> <p>11 that the transcript is a true record of my</p> <p>12 stenographic notes.</p> <p>13 I FURTHER CERTIFY that I am not a relative,</p> <p>14 employee, attorney, or counsel of any of the</p> <p>15 parties, nor am I a relative or employee of any</p> <p>16 of the parties' attorney or counsel connected</p> <p>17 with the action, nor am I financially</p> <p>18 interested in the action.</p> <p>19 Dated this 27th day of June 2019.</p> <p>20</p> <p>21</p> <p>22  MARIA E. REEDER, RPR, FPR</p> <p>23 and Notary Public</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 327</p>	<p>1 michael@machatlaw.com</p> <p>2 June 27, 2019</p> <p>3 RE: Mobility Workx, LLC v. Verizon</p> <p>4 DEPOSITION OF: Edwin A. Hernandez-Mondragon (# 3427294)</p> <p>5 The above-referenced witness transcript is</p> <p>6 available for read and sign.</p> <p>7 Within the applicable timeframe, the witness</p> <p>8 should read the testimony to verify its accuracy. If</p> <p>9 there are any changes, the witness should note those</p> <p>10 on the attached Errata Sheet.</p> <p>11 The witness should sign and notarize the</p> <p>12 attached Errata pages and return to Veritext at</p> <p>13 errata-tx@veritext.com.</p> <p>14 According to applicable rules or agreements, if</p> <p>15 the witness fails to do so within the time allotted,</p> <p>16 a certified copy of the transcript may be used as if</p> <p>17 signed.</p> <p>18 Yours,</p> <p>19 Veritext Legal Solutions</p> <p>20 cc: All counsel</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 329</p>

83 (Pages 326 - 329)